



**UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/696,986	03/03/97	DEFOURNY	P DBS38

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PM21/1216

EXAMINER

BAGNELL, D

ART UNIT

PAPER NUMBER

3672

DATE MAILED: 12/16/98

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

08/696,986

Applicant(s)

Defourny

Examiner

DAVID J. BAGNELL

Group Art Unit

3672



☒ Responsive to communication(s) filed on Oct 5, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-20 is/are pending in the application.

Of the above, claim(s) 3, 15, 16, and 20 is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1, 2, 4-14, and 17-19 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☒ Claims 1-20 are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The drawing(s) filed on Mar 3, 1997 is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☒ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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1. The amendment filed October 5, 1998 has been entered.
2. Claims 3, 15, 16 and 20 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected Group or Species, the requirement having been traversed in Paper No. 10.
3. Applicant's election with traverse of Group I Species 1 in Paper No. 10 is acknowledged. The traversal is on the ground(s) that Species 2 includes the same or corresponding special technical feature as Species 1. This is found to be persuasive, therefore claims 18 and 19 will be examined with the claims of Species 1.
4. The various heading for the parts of the specification are missing.
5. The following guidelines illustrate the preferred layout and content for patent applications. These guidelines are suggested for the applicant's use.

#### **Arrangement of the Specification**

The following order or arrangement is preferred in framing the specification and, except for the reference to "Microfiche Appendix" and the drawings, each of the lettered items should appear in upper case, without underlining or bold type, as section headings. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) Title of the Invention.
- (b) Cross-References to Related Applications.
- (c) Statement Regarding Federally Sponsored Research or Development.
- (d) Reference to a "Microfiche Appendix" (see 37 CFR 1.96).
- (e) Background of the Invention.
  1. Field of the Invention.
  2. Description of the Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) Brief Summary of the Invention.
- (g) Brief Description of the Several Views of the Drawing(s).
- (h) Detailed Description of the Invention.

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- (I) Claim or Claims (commencing on a separate sheet).
- (j) Abstract of the Disclosure (commencing on a separate sheet).
- (k) Drawings.
- (l) Sequence Listing (see 37 CFR 1.821-1.825).

6. This application does not contain an abstract of the disclosure as required by 37

CFR 1.72(b). An abstract on a separate sheet is required. It is noted that the abstract from the PCT priority application would be acceptable if it were typed on a separate page.

7. The disclosure is objected to because of the following informalities: On page 11, line 2, "assembly" should not be capitalized.

Appropriate correction is required.

8. The drawings are objected to because the crosssectional lines A-A in Figures 3A, 6A, 7A and 21 are improper. The lines should be designated by Arabic or Roman Numerals, 37 CFR 1.84(g)(3), also they should each have separate numbering. In Figures 12A-12D, the elastomeric parts 2004, 2005, should have the proper cross hatching. Correction is required.

9. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

10. Claim 1 is objected to because of the following informalities: In line 1, "Apparatus" should not be capitalized. Appropriate correction is required.

11. Claims 1, 2, 4-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claim 1 recites the limitation "the drill bit" in the last line. There is insufficient antecedent basis for this limitation in the claim. Claims 2, and 4-14 are also considered indefinite since they depend from claim 1.

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13. Claims 1, 2, 4, 6-9, 13 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Frear et al.

Frear et al disclose a tiltable drill string connection that includes resilient deformable members 77, 45 and a transfer member 50, 52, 85 for transferring torque between the connected drill string members 12, 13. Frear et al also show a retainer member or threaded lock ring 60. With regard to claim 13 Frear et al show connecting passageways 14, 28 and which seal 45 prevents the escape of fluid between the members.

14. Claims 1, 4, 6-9, and 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by the German '639 reference.

Although a translation of the German '639 reference is not available at this time, it appears that the reference shows a resilient connection between drill string members and having a rotation transfer means in the form of a loose gear tooth transmission.

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15. Claims 1, 4, 5, 8, 9, and 17 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Black.

16. Claims 1, 2, 8 and 9 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Bodine.

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) a patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Frear et al in view of Leroy.

Frear et al discloses the invention substantially as claimed except for a flexible pipe between the passageways of the connecting members. Leroy teaches to provide a flexible pipe 15 in the mud passage between a pair of articulating members so as to prevent leakage between the members. It would have been considered obvious to one having ordinary skill in the art at the time the invention was made to have provided Frear et al's connecting members with a flexible pipe in the area of the passageway where the members meet in view of Leroy in order to prevent the leakage of mud between the members.

19. Claims 10-12 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.


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20. Any inquires concerning this communication or earlier communications from the examiner should be directed to David Bagnell, whose phone number is (703) 308-2151. The examiner can normally be reached on Mon.-Fri. from 6:30 AM to 3:00 PM.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Tamara Graysay can be reached on (703) 308-2144. The fax number for this group is (703) 305-3597.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-2168.

D. Bagnell djb  
December 14, 1998

  
**DAVID J. BAGNELL**  
**PRIMARY EXAMINER**  
**ART UNIT 3672**